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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,648	09/19/2003	Johann Fischer	487.1081	4624

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EXAMINER	
BOES, TERENCE	

ART UNIT	PAPER NUMBER
3682	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/664,648	FISCHER, JOHANN	
	Examiner	Art Unit	
	Terence Boes	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *09/19/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities: The term "tooting" in paragraph 24 line 5 appears to be a typo of --toothing--.

Appropriate correction is required.

Claim Objections

3. Claims 1-12 are objected to because of the following informalities: The term "gradient" appears to be an awkward translation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. What structure allows the guide wheel axis to be displaceable as claimed?

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation "Wherein the housing is selected from..." renders the claim indefinite. Is applicant attempting to claim the method of manufacturing the housing? If so the examiner suggests -- wherein the method of constructing the housing is selected from a group...--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,2,5,10,11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Schutt (US 2001/0035062).

Schutt discloses,

Re clm 1

- A guide tube (18 or 20) at least partly surrounding at least a section of the first gradient cable (22 or 24)
- A housing (26,10) supporting the first gradient cable in its longitudinal direction

- A driving pinion (14) meshingly engaging with a first portion of the first gradient cable
- A first guide wheel (16) supporting the gradient cable at a level with the first portion of the first gradient cable

Re clm 2

- Wherein the housing accommodates the first gradient cable, and wherein the first guide wheel is secured to the housing (see figs 3, 4)

Re clm 5

- Wherein the driving pinion includes an inlet side (see figure 1, left side) and an outlet side (see figure 1, right side)
- Wherein the first gradient cable is at least partly surrounded by a first guide tube portion (left side portion of 18) disposed at the inlet side and by a second guide tube portion disposed at the outlet side (right side portion of 18)

Re clm 10

- Wherein the first guide wheel includes a bearing spindle (see figs 1,4) defining a guide wheel axis
- Wherein the guide wheel axis is displaceable with respect to the driving pinion, such that a distance of the bearing spindle to the first guide wheel can be adjusted in response to a thickness of the first gradient cable (guide wheel axis is capable of being displaced)

Re clm 11

- Wherein the housing includes an upper housing half (26) and a lower housing half (10)

Re clm 12

- Wherein the housing is selected from the group consisting of cast parts, die cast parts, precision cast parts, forming parts, sheet-metal formed parts and construction parts [product by process claims are not limited to the manipulations of the recited steps, only the structure implied by the steps (see MPEP 2113)].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bratkowski et al. (US 5,612,600) in view of Finkle (US 4,413,808).

Bratkowski et al. disclose

Re clm 1

- A guide tube (44) at least partly surrounding at least a section of the first gradient cable (37)
- A housing (14,16) supporting the first gradient cable in its longitudinal direction

- A driving pinion (32) meshingly engaging with a first portion of the first gradient cable

Bratkowski et al. do not disclose guide wheels

Finkle teaches guide wheels (50,52,58) for the purpose of improved gripping (C3/L45) and reduced sliding friction thus allowing for more efficient operation.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Bratkowski et al. and provide guide wheels, as taught by Finkle, for the purpose of improved gripping and reduced sliding friction thus allowing for more efficient operation.

Re clm 2

Bratkowski discloses

- Wherein the housing accommodates the first gradient cable (see fig 1)

Finkle also discloses

- Wherein the first guide wheel is secured to the housing (see figs 5,6, guide wheel is secured to housing E2)

Re clm 3

Bratkowski et al. disclose

- A second gradient cable (38)

Re clm 4

Bratkowski et al. disclose

- wherein the driving pinion includes a first gradient cable inlet side (see fig 7, at left instance of 44)

- a first gradient cable outlet side (see fig 7, at left instance of 46)
- a second gradient cable inlet side (see fig 7, at right instance of 44)
- a second gradient cable outlet side (see fig 7, at right instance of 46)
- a first and a second guide tube portion (see fig 7, left instance of 44 and see fig 7, left instance of 46) at least partially surrounding the first gradient cable (37) and disposed, respectively, at the first gradient cable inlet side and the first gradient cable outlet side
- wherein the device further comprises a third guide tube portion (see fig 7, right instance of 44) and a fourth guide tube portion (see fig 7, right instance of 46) at least partially surrounding the second gradient cable (38) and disposed, respectively, at the second gradient cable inlet side and the second gradient cable outlet side.

Re clm 5

- Wherein the driving pinion includes an inlet side and an outlet side
- Wherein the first gradient cable is at least partly surrounded by a first guide tube portion disposed at the inlet side and by a second guide tube portion disposed at the outlet side

Re clm 6

- Wherein at least one of the first guide tue ortion and the second guide tube portion includes a conical enlargement at an end proximal to the driving pinion (see fig 7, 47)

Re clm 7

- Wherein the guide tube includes a supporting collar disposed in form-fitting engagement in a recess in the housing and supporting the guide tube in a longitudinal direction (see figs 2,7)

Re clms 8,9,10

Bratkowski does not disclose a bearing bushing.

Finkle teaches a bearing bushing (62) for the purpose of providing a replaceable wear component and rotatably receiving a shaft (C3/L50-55).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Bratkowski and provide bearing bushing, as taught by Finkle, for the purpose of providing a replaceable wear component and rotatably receiving a shaft.

Bratkowski does not disclose bearing spindle.

Finkle teaches bearing spindle (52) for the purpose of rotatably supporting a gear (C3/L35-40), thus reducing friction.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Bratkowski and provide bearing spindle, as taught by Finkle, for the purpose of rotatably supporting a gear thus, reducing friction.

Bratkowski does not disclose a central circular collar.

Finkle teaches a central circular collar (58) for the purpose of increasing contact pressure (C3/L44-46) with a pulled cable.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Bratkowski and provide a central circular collar, as taught by Finkle, for the purpose of increasing contact pressure with a pulled cable.

Bratkowski does not disclose wherein a guide wheel axis is displaceable with respect to a driving pinion.

Finkle teaches wherein the guide wheel axis is displaceable with respect to a driving pinion (see springs 64) for the purpose of constantly urging a gear against a cable (C3/L50-55, see fig 6)

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Bratkowski and provide a guide wheel axis that is displaceable with respect to the driving pinion, as taught by Finkle, for the purpose of constantly urging a gear against a cable.

Re clm 11

Bratkowski et al. disclose

- Wherein the housing includes an upper housing half (14) and a lower housing half (16)

Re clm 12

- Wherein the housing is selected from the group consisting of cast parts, die cast parts, precision cast parts, forming parts, sheet-metal formed parts and construction parts [product by process claims are not limited to the manipulations of the recited steps, only the structure implied by the steps (see MPEP 2113)]. The housing of Bratkowski is at least construction parts, as broadly recited.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terence Boes whose telephone number is (571) 272-4898. The examiner can normally be reached on Monday - Friday 9:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB
8/8/06

RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER